

Atty Dkt. No.: 10031215-1
USSN: 10/644,463

REMARKS

Formal Matters

Claims 1-6, 13-25, 27 and 29-33 are pending.

Claims 1-5, 7-11, 13-23, 33-35 and 37 stand rejected.

Claims 24, 25, 27, and 29-30 are allowed. Claims 6 and 12 are objected to, but otherwise allowable.

Claim 1 is amended. Support for this amendment is found on page 2, lines 23-26. Claim 2 is amended for clarity. No new matter is added.

Claims 7-12, 34, 35 and 37 are cancelled solely to expedite prosecution and without any intention to acquiesce to the correctness of any objection or rejection.

The Applicant respectfully requests reconsideration of the application in view of the remarks made herein.

Allowable subject matter

The Applicants note with gratitude the Examiner's decision to allow claims 24, 25, 27, and 29-30.

The Applicants also note with gratitude the Examiner's indication that claims 6 and 12 recite allowable subject matter.

Rejections under 35 U.S.C. § 102(e)

Claims 1-5, 7-11, 13-23, 33-35 and 37 stand rejected as anticipated by Schultz (U.S.P.N. 6,627,882). The Applicants respectfully traverse this rejection.

With respect to claims 1-6, claim 1 has been amended to clarify that the nozzle contains a plurality of openings for ejecting droplets.

The Applicants respectfully submit that the above-recited claim element is not disclosed at any position in Schultz's disclosure. As seen in Fig. 4 and 5, for example, Schultz's nozzles only contain a single opening.

As such, Schultz cannot anticipate the subject matter of claims 1-6, and

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this rejection may be withdrawn.

Without any intention to acquiesce this rejection and solely to expedite prosecution, claims 7-12 are cancelled.

This rejection is therefore moot with regard to claims 7-12.

With regards to claims 13-23, the Examiner argues that Schultz allegedly discloses a counter electrode assembly, and, as such, claims 13-23 are anticipated.

The Applicants note, however, that claims 13-23 recite a counter electrode assembly *having an ion passageway*.

The Applicants respectfully submit that Schultz does not disclose a counter electrode assembly *having an ion passageway*, and this rejection may be withdrawn.

In order to support this rejection, the Examiner points towards the following positions of Schultz's disclosure: col. 4, lines 52-57; col. 5, lines 37-65 and col. 18, lines 3-7 (see ¶7 of the Office Action); col. 18, lines 3-7, col. 8, lines 34-39 and col. 5, lines 37-65 (see ¶14 of the Office Action); and col. 22, lines 17-28 (see ¶20 of the Office Action).

However, none of these positions disclose a counter electrode assembly *having an ion passageway*. Accordingly, an element of claims 13-23 is not disclosed by Schultz, and this rejection may be withdrawn.

If this rejection is to be maintained, the Applicants respectfully request that the Examiner specifically point out where in Schultz's disclosure explicit support for a counter electrode assembly *having an ion passageway* may be found. If this cannot be done, the rejection should be withdrawn and these claims should be allowed.

Without any intention to acquiesce to this rejection and solely to expedite prosecution, claims 34, 35 and 37 are cancelled.

This rejection is therefore moot with regard to claims 34, 35 and 37.

In view of the foregoing discussion, the Applicants respectfully submit

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that Schultz fails to disclose at least one element of all of the pending claims. As such, Schultz cannot anticipate any of the pending claims.

In view of the foregoing discussion, withdrawal of this rejection is respectfully requested.

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CONCLUSION

The Applicant respectfully submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Timothy Joyce at 650 485 4310. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

Date: Jan 18, 2005

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